

## IN THE CLAIMS

1. (currently amended) A nonaqueous electrolyte battery comprising:

a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal, the battery element having a positive electrode and a negative electrode each having a gel electrolyte at a portion thereof, the portions of the positive and negative electrodes being laminated to each other and pressed and wound such that the battery element is a winding type gel electrolyte battery element;

a gas absorbable material and resin material interposed between an outermost layer of said outer covering member and said battery element, the gas absorbable material being one of molecular sieve and silica gel, a content of the gas absorbable material being in a range of 0.1 wt% to 95 wt% on a basis of a weight of the resin material, the gas absorbable material and the resin material having a thickness in a range of 1  $\mu\text{m}$  to 500  $\mu\text{m}$ ;

a first gas absorbable member positioned at a first side of the battery element; and

a second gas absorbable member positioned at a second side of the battery element opposite the first side;

said laminated film having a first outer covering member and a second outer covering member, the first outer covering member and the second outer covering member being a single common piece of material;

said first outer covering member having a preformed recess accommodating the battery element;

said second outer covering member extending from one side of the first outer covering member and folded onto the first outer covering member covering the battery element and the preformed recess.

2. (canceled).

3. (canceled).

4. (currently amended) A nonaqueous electrolyte battery according to claim 1, wherein said gas absorbable material is carbon molecular sieve.

5. (previously presented) A nonaqueous electrolyte battery according to claim 1, wherein said gas absorbable material is mixed with a resin material and the mixture is molded to form

said first and second gas absorbable members, and said first and second gas absorbable members are inserted between the outermost layer of said outer covering member and at least one or more planes of said battery element.

6. (original) A nonaqueous electrolyte battery according to claim 1, wherein said gas absorbable material is contained in said laminated film.

7. (currently amended) A nonaqueous electrolyte battery according to claim 1, wherein ~~an electrolyte constituting part of said battery element is a~~ the gel electrolyte contains ~~or solid electrolyte containing~~ a matrix high polymer and a lithium salt.

8. (currently amended) A nonaqueous electrolyte battery according to claim 1, wherein ~~the a negative electrode constituting part of said battery element~~ contains a material in or from which lithium is allowed to be doped or undoped.

9. (original) A nonaqueous electrolyte battery according to claim 8, wherein said material in or from which lithium is allowed to be doped or undoped is a carbon material.

10. (currently amended) A nonaqueous electrolyte battery according to claim 1, wherein ~~a the positive electrode constituting part of said battery element~~ contains a composite oxide of lithium and a transition metal.

11. (original) A nonaqueous electrolyte battery according to claim 1, wherein said battery is a secondary battery.